

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

JAN 25 2008

JOHN F. CORCORAN, CLERK
BY: *J. F. Corcoran*
DEPUTY CLERK

In accordance with the accompanying memorandum opinion, it is hereby

ADJUDGED AND ORDERED

that the plaintiff's complaint shall be **DISMISSED** without prejudice pursuant to 28 U.S.C. § 1915(g); plaintiff's pleading is construed as a request to proceed in forma pauperis, and is **DENIED as MOOT**; and this case is **STRICKEN** from the active docket of the court.

The Clerk is directed to send a certified copy of this order and the accompanying memorandum opinion to plaintiff.

ENTER: This 25th day of January, 2008.

John Cawse

United States District Judge